

FILED**MAY 03 2007****CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA PRICE FLUID,

Defendant - Appellant.

No. 06-30575

D.C. No. CR-05-00108-A-JWS
District of Alaska,
Anchorage

RECEIVED**MAY 07 2007**

ORDER

**CLERK, U.S. DISTRICT COURT
ANCHORAGE, A.K.**

Appellant's motion to file a late opening brief is granted. The Clerk shall file the opening brief received on March 22, 2007. The motion of Scott A. Sterling, Esq., to withdraw as counsel of record under *Anders v. California*, 386 U.S. 738 (1967), is referred to the panel assigned to hear the merits of this appeal. The panel will conduct an independent review of the record. *See Penson v. Ohio*, 488 U.S. 75, 80-81 (1988). After it conducts its review, the merits panel will determine whether counsel may be allowed to withdraw and whether new counsel will be appointed. *See id.* at 83.

Appellant may file a pro se supplemental opening brief raising any issues by June 11, 2007. On or before July 10, 2007, appellee shall file the answering brief or notify this court by letter that no answering brief will be filed. *See* 9th Cir. R.

31-2.3 (appellee's failure to file the answering brief or notify the court that no brief will be filed may result in the imposition of sanctions). If appellee files the answering brief, the optional reply brief will be due within 14 days after service of the answering brief.

The clerk of the district court shall forward to this court the clerk's record within 10 days of receipt of this order. *See* 9th Cir. R. 11-4.4.

The Clerk shall serve a copy of this order on appellant individually to Joshua Price Pluid, Reg. No. 15183-006, USP Atwater, United States Penitentiary, P.O. Box 019001, Atwater, CA, 95301, as well as on counsel for appellant.

For the Court

Deborah Teitler

Deborah Teitler
Staff Attorney/Deputy Clerk
9th Cir. R. 27-7
General Order 6.3(a)